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Report of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization

Repertory of Practice of United Nations Organs and *Repertoire of the Practice of the Security Council*

Report of the Secretary-General

Summary

In conformity with General Assembly resolution 67/96, the present report outlines the progress made by the Secretariat since the last report (A/67/189) in updating the *Repertory of Practice of United Nations Organs* and the *Repertoire of the Practice of the Security Council*. The Assembly is invited to take action in the light of the conclusions drawn in paragraphs 13 and 25 of the present report.

* A/68/150.

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I. Introduction

1. The present report has been prepared pursuant to General Assembly resolution 67/96. In paragraph 8 of the resolution, the Assembly commended the Secretary-General for the progress made in the preparation of studies of the *Repertory of Practice of United Nations Organs*, including the increased use of the internship programme of the United Nations and further expanded cooperation with academic institutions for this purpose, as well as the progress made towards updating the *Repertoire of the Practice of the Security Council*. In paragraph 9, the Assembly noted with appreciation the contributions made by Member States to the trust fund for the elimination of the backlog in the *Repertory*, as well as to the trust fund for the updating of the *Repertoire* and, in paragraph 10, the Assembly reiterated its call for voluntary contributions to those trust funds and the sponsoring, on a voluntary basis and with no cost to the United Nations, of associate experts to assist in the updating of the two publications. In paragraph 11, the Assembly called upon the Secretary-General to continue his efforts towards updating the *Repertory* and the *Repertoire* and making them available electronically in all their respective language versions. In paragraph 12, the Assembly noted with concern that the backlog in the preparation of volume III of the *Repertory* had not been eliminated, and called upon the Secretary-General to address that issue effectively and on a priority basis, while commending the Secretary-General for some progress made in reducing the backlog. In paragraph 13, the Assembly reiterated the responsibility of the Secretary-General for the quality of the two publications and, with regard to the *Repertoire*, called upon the Secretary-General to continue to follow the modalities outlined in paragraphs 102 to 106 of his report of 18 September 1952 (A/2170). Finally, in paragraph 14, the Assembly requested the Secretary-General to submit a report on both the *Repertory* and the *Repertoire* to the Assembly at its sixty-eighth session.

II. *Repertory of Practice of United Nations Organs*

A. Preparation of supplements to the *Repertory of Practice of United Nations Organs*

2. Bearing in mind the call made upon the Secretary-General, in paragraph 12 of General Assembly resolution 67/96, to address effectively and on a priority basis the backlog in the preparation of volume III of the *Repertory*, the Codification Division of the Office of Legal Affairs, acting as coordinator for the preparation of the *Repertory*, sought to significantly reduce that backlog, in particular regarding volume III, Supplements Nos. 7 to 9 (1985-1999). In line with the understanding with the Department of Peacekeeping Operations referred to in the previous report (A/67/189), the Codification Division prepared studies on Articles 42 to 47 as well as on Article 50 of the Charter regarding volume III, Supplements Nos. 7 to 9 (1985-1999), which are available online as "advance versions". Single studies for each of the aforementioned provisions of the Charter address the entire period that is covered by the three Supplements. Those studies have been placed on the *Repertory* website (un.org/law/*Repertory*). Regarding volume III, Supplements Nos. 7 to 9 (1985-1999), a draft study on Article 35 of the Charter is currently being prepared in cooperation with the University of Ottawa. Moreover, an external consultant is expected to have submitted by October 2013 a draft study on Article 41 covering the

same period. A further study on Article 51 regarding volume III, Supplements Nos. 7 to 9 (1985-1999) is currently under preparation by the Codification Division. Finally, it is anticipated that academic institutions will be further assigned with the preparation of other remaining studies to volume III of Supplements Nos. 7 to 9.

3. Significant progress has also been achieved in the preparation of studies for Supplement No. 10 (2000-2009). During the reporting period, the following additional studies have been prepared, some of them with the assistance of interns or consultants or in collaboration with academic institutions:

(a) Studies on Articles 17 (2), 18, 19 and 63 for volume II;

(b) A study on Article 73 for volume V;

(c) Studies on Articles 99 to 101 and 108 and 109 for volume VI; further studies concerning Articles 97 and 98 (the latter regarding all functions of the Secretary-General other than political and those pertaining to security matters, which are already covered in a separate study available online as "advance study") are being finalized.

4. The Department of Public Information and the Dag Hammarskjöld Library played an important role in supporting the research on the *Repertory*.

5. The current status of the publication is as follows: 28 volumes have been published[1] and 14 volumes have been finalized and submitted for translation and publication.[2] Consequently, from among the 50 volumes of which the publication as a whole (original *Repertory* and supplements thereto) should consist, work remains to be completed on eight volumes; five of those volumes pertain to Supplement No. 10, covering the most recent reviewable period, and are at different stages of preparation (see para. 3 above). The other three volumes on which work remains to be completed correspond to volume III of Supplements Nos. 7 to 9.

6. Annex I to the present report sets out the responsibilities of individual Secretariat units for the preparation of *Repertory* studies on individual Articles of the Charter. Annex II provides information on the status of the *Repertory*.

B. Availability of *Repertory* studies on the Internet

7. Studies from 42 complete volumes, including the 14 volumes in processing for publication, are available on the United Nations website for the *Repertory* (un.org/law/repertory). Advance versions of several studies on individual Articles for volume III of Supplements Nos. 7 to 9, as well as a considerable number of studies for Supplement No. 10 which have been finalized and are awaiting completion of the respective volumes, continued to be accessible on the website. The electronic version of the *Repertory* includes a full-text search feature, providing users with the opportunity to search all the studies instantaneously for any word or combination of words in the three languages of the publication, namely English, French and Spanish.

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[1] *Repertory* and Supplements Nos. 1 to 6 (1946-1984), for a total of 26 volumes, and volumes V and VI of Supplement No. 7 (1985-1988).

[2] Volumes I, II and IV of Supplement No. 7 (1985-1988); volumes I, II, IV, V and VI of Supplements Nos. 8 (1989-1994) and 9 (1995-1999); and volume I of Supplement No. 10 (2000-2009).

8. Currently, all studies available in English are on the Internet, and most of them are also available on the Internet in French and Spanish. Finalized studies awaiting publication are placed on the Internet in the language in which they have been prepared (English for most of them, and French for some of them). The Secretariat will continue to make available electronically all three language versions of the finalized *Repertory* studies.

C. Cooperation with academic institutions

9. The well-established cooperation with Columbia University Law School continued for the tenth consecutive year, which contributed to the preparation of a study on Article 50 for volume III of Supplements Nos. 7 to 9 and a study of Article 63 for volume IV of Supplement No. 10 of the *Repertory*. The cooperation with the University of Ottawa, Faculty of Law, also continued for the third consecutive year and contributed to the completion of a study on Article 18 for volume II of Supplement No. 10 and the preparation of a study on Article 35 for volume III of Supplements Nos. 7 to 9. Furthermore, a study was prepared, in cooperation with Concord Law School, on Article 73 for volume V of Supplement No. 10.

D. Trust fund

10. In its resolution 67/96, the General Assembly reiterated its call for voluntary contributions to the trust fund established pursuant to its resolution 59/44, in order to eliminate the backlog in the *Repertory*. Accordingly, a note verbale was sent to all permanent missions to the United Nations, reminding them of the possibility of making voluntary contributions to the trust fund and inviting them to bring the question of funding for the *Repertory* to the attention of private institutions and individuals that might wish to assist in that regard. Since the submission of the last report of the Secretary-General on 26 July 2012, no new contributions have been received by the trust fund.

11. A consultant, financed through the trust fund, is currently working on the preparation of a study on Article 41 for volume III of Supplements Nos. 7 to 9 (1985-1999). The further use of consultants for the preparation of studies pertaining to volumes that are near completion is envisaged. Additional contributions to the trust fund are strongly encouraged so as to allow the Secretariat to carry out the effective elimination of the backlog in the *Repertory*.

E. Recommendations of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization

12. The Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization considered the question of the *Repertory* and the *Repertoire* at its session held from 19 to 27 February 2013. In its report (A/68/33, para. 56), the Special Committee recommended, inter alia, with regard to the *Repertory*, that the General Assembly commend the Secretary-General for the progress made in the preparation of studies, including the increased use of the internship programme of the United Nations and further expanded cooperation

with academic institutions for this purpose; note with appreciation the contributions made by Member States to the trust fund for the elimination of the backlog in the *Repertory*; reiterate its call for voluntary contributions to the trust fund so as to further support the Secretariat in carrying out the effective elimination of that backlog, as well as the sponsoring, on a voluntary basis, and with no cost to the United Nations, of associate experts to assist in the updating of the publication; call upon the Secretary-General to continue his efforts towards updating the publication and making it available electronically in all its language versions; note with concern that the backlog in the preparation of volume III of the *Repertory* has not been eliminated, and call upon the Secretary-General to address that issue effectively and on a priority basis, while commending the Secretary-General for some progress made in reducing the backlog; and reiterate the responsibility of the Secretary-General for the quality of the *Repertory*.

F. Conclusions

13. **With respect to the *Repertory of Practice of United Nations Organs*, in the light of the foregoing, the General Assembly may wish:**

(a) To note the current status of the publication, including the progress made in the preparation of *Repertory* studies and in their posting on the Internet in three languages (English, French and Spanish);

(b) To consider the recommendations of the Special Committee (see para. 12 above) concerning the increased use of the internship programme of the United Nations and the further expanded cooperation with academic institutions for the preparation of studies; voluntary contributions to the trust fund for the elimination of the backlog in the *Repertory* so as to further support the Secretariat in carrying out the effective elimination of that backlog; the sponsoring, on a voluntary basis, and with no cost to the United Nations, of associate experts to assist in the updating of the publication; the call upon the Secretary-General to continue his efforts towards updating the publication and making it available electronically in all its language versions, and to continue to address effectively and on a priority basis the elimination of the backlog in volume III of the *Repertory*; and the reiteration of the Secretary-General's responsibility for the quality of the *Repertory*;

(c) To note the progress made towards the elimination of the backlog through the utilization of the trust fund; to further note that no contributions have been made since the last report of the Secretary-General and, therefore, to strongly encourage States to make additional contributions to the trust fund.

III. *Repertoire of the Practice of the Security Council*

A. Mandate and preparation

14. The *Repertoire of the Practice of the Security Council*, originally mandated by the General Assembly in its resolution 686 (VII) of 5 December 1952, continues to provide a record of the evolving practice and procedure of the Security Council in the framework of the Charter of the United Nations and the Council's provisional

rules of procedure. Most recently, by its resolution 67/96, the General Assembly called upon the Secretary-General to continue his efforts towards updating the *Repertoire* and making it available electronically in all its respective language versions.

15. Pursuant to the mandate provided by the General Assembly, the Secretariat has continued to make progress in the preparation of supplements to the *Repertoire* since the last report. In the past year the Secretariat worked on the sixteenth and seventeenth Supplements to the *Repertoire*, covering the years 2010 and 2011 within the context of the modalities outlined in paragraphs 102 to 106 of the Secretary-General's report of 18 September 1952.

16. The timely completion of the sixteenth Supplement (2008-2009), which was made available electronically in an advance version on the *Repertoire* section of the Security Council website in 2012, allowed the Secretariat to focus on the contemporary practice of the Security Council from 2010 onwards. An advance version of part I of the seventeenth Supplement has been posted on the *Repertoire* section of the Security Council website and advance versions of the remaining parts will follow as soon as they become available. Preparations for the eighteenth Supplement (2012-2013) are well under way so that actual drafting can commence in January 2014.

17. Within the limits of available resources, the Secretariat has continued to produce the *Repertoire* expeditiously, consistent with accuracy and balance, by employing several efficiency-enhancing initiatives, such as the specialized training of staff; the further development of an internal database to record and retrieve the mounting body of past and current practices and procedures of the Security Council and to generate tables and text; and the updating of internal guidelines and templates to capture staff knowledge and ensure consistency in the preparation of the *Repertoire*.

18. The preparation of supplements to the *Repertoire* has not been without its challenges. Although the Secretariat has managed to sustain progress towards updating the *Repertoire* and providing Member States with information on current Council practice, it has continued to face challenges in terms of editing, translating, indexing and publishing those supplements. Different offices in the Secretariat are working together to address existing resource constraints and delays in publishing the supplements.

B. Availability of *Repertoire* studies on the Internet

19. To allow access to information as quickly as possible, the Secretariat has posted on the *Repertoire* section of the Security Council website an advance version of the finalized chapters of the *Repertoire* (see annex III). In addition to the published Supplements, an advance version has been posted of all chapters of the fourteenth to sixteenth Supplements (2000-2009), which have yet to be published. The site, which provides a user-friendly interface by allowing quick access to the wealth of information on the practices of the Security Council contained in the *Repertoire*, is available in all official languages.

20. In addition to the preparation of the *Repertoire*, the Secretariat, upon request, provides information on questions received directly and through the *Repertoire*

section of the Security Council website relating to both the current and past practice of the Council and its subsidiary organs. During the reporting period, it responded, in a timely and accurate fashion, to communications and requests for information from Member States as well as from officials of the United Nations system and staff of other international organizations, non-governmental organizations, students, academic scholars and researchers and the private sector.

21. The Secretariat is also in the process of making the *Repertoire* available through the United Nations eCollection, which is a research tool containing all current publications of the United Nations. As part of its work on the *Repertoire* and to make the information contained therein more widely accessible, the Secretariat is also publishing, on a quarterly basis, a table of mandate components of current peacekeeping and political missions and, at the beginning of each year, a paper on highlights of Security Council practice in the preceding year. Both documents are available on the website of the Security Council.

C. Publication in language versions (print and electronic)

22. In compliance with General Assembly resolution 55/222, in which the Assembly requested the Secretary-General to publish future supplements to the *Repertoire* in all six official languages, the tenth and eleventh Supplements were the first supplements to be published in all official languages. The twelfth and thirteenth Supplements (1993-1999) will soon be available on the *Repertoire* section of the Security Council website in all official languages, followed by the fourteenth Supplement (2000-2003), the translation of which is in process. The fifteenth Supplement (2004-2007) will be submitted for translation into all official languages once the indexing of the English file is complete, and subsequent supplements will be submitted as soon as they are edited. The Secretariat continues to make every effort to post the latest supplements of the *Repertoire* in the six official languages as soon as they are available.

D. Resources

23. The preparation and publication of the *Repertoire*, as well as the maintenance of its website in all official languages, would not have been possible without the continuing support of the General Assembly. At the same time, in an environment of financial constraint, voluntary contributions to the trust fund for the updating of the *Repertoire* remain an important element for sustaining progress on the *Repertoire*, maintaining its website and continuing to improve the accessibility of information about Council practice.

24. The infusion of extrabudgetary resources has enabled the Secretariat to retain the services of temporary staff assisting in the preparation of the *Repertoire* and to work simultaneously on several volumes of the publication. Since the previous report, contributions to the trust fund have been received from China and Turkey. In addition, Switzerland contributed by sponsoring an associate expert in the Security Council Practices and Charter Research Branch, who has been making a valuable contribution to advancing the work on the *Repertoire* and thus helping the Secretariat in its efforts towards updating the publication. To continue meeting that goal, the Secretary-General invites Member States to continue to support the

Secretariat's work on advancing the *Repertoire* through their voluntary contributions.

E. Conclusions

25. **With respect to the *Repertoire of the Practice of the Security Council*, in the light of the foregoing and the recommendations made by the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization at its session held from 19 to 27 February 2013, the General Assembly may wish:**

(a) **To note the progress made towards the updating of the *Repertoire*, including through the utilization of the trust fund for the updating of the *Repertoire*;**

(b) **To express appreciation for the contributions to the trust fund and reiterate its call for voluntary contributions to that trust fund;**

(c) **To note the continual efforts to post the *Repertoire* in electronic form in all language versions on the United Nations website;**

(d) **To note with appreciation the support that Switzerland has extended by sponsoring, on a voluntary basis, an associate expert to assist in the preparation of the *Repertoire*, and to encourage other Member States in a position to do so to consider providing such assistance.**

Annex I

Secretariat units bearing primary responsibility for the preparation of *Repertory* studies on individual Articles of the Charter of the United Nations[a]

Department	*Repertory volume*
Office of Legal Affairs	Volume I: Articles 1 to 7
	Volume II: Articles 13 (l) (a), 18, 19 and 22
	Volume VI: Articles 92 to 99, 102 to 105 and 108 to 111
Department of Political Affairs	Volume II: Articles 10, 12, 13 (1) (a), 14 and 16
	Volume III: Articles 23 to 39 and 107
	Volume V: Articles 73 to 85, 87 and 88
Department of Peacekeeping Operations	Volume III: Articles 40 to 54 and 106
Office for Disarmament Affairs	Volume II: Article 11
Department for General Assembly and Conference Management	Volume II: Articles 9, 15, 20 and 21
	Volume IV: Articles 60, 61, 62 (3) and (4), 65 to 69 and 72
	Volume V: Articles 86 and 89 to 91
Department of Management	Volume II: Article 17
	Volume VI: Articles 100 (1) and 101
Department of Management with Office of Legal Affairs	Volume VI: Article 100 (2)
Department of Economic and Social Affairs	Volume II: Articles 8[b] and 13 (1) (b) and (2)
	Volume IV: Articles 55 (a) and (b), 57 to 59, 62 (1), 63, 64, 70 and 71
Office of the United Nations High Commissioner for Human Rights	Volume II: Article 13 (1) (b)
	Volume IV: Articles 55 (c), 56 and 62 (2)
Office for Outer Space Affairs	Volume II: Article 13 (1) (a)

[a] This distribution is the result of several decisions of the Interdepartmental Committee on Charter Repertory taken at various times since 1996 and is subject to review by the Committee.

[b] The Department of Management (Office of Human Resources Management) is responsible for the preparation of Article 8 for the period up to and including 1996. For the period from 1997 onward, that responsibility falls to the Department of Economic and Social Affairs.

Annex II

Status of the *Repertory of Practice of United Nations Organs* (July 2013)

Volumes published and on the Internet	Volumes submitted for publication and on the Internet	Studies on the Internet (pertaining to volumes not submitted for publication)	Studies in preparation or in review

Note: The organization of studies in volumes, as indicated below, relates to Supplements Nos. 6 to 10, and varies for the original *Repertory* and Supplements Nos. 1 to 5.

Volumes, Articles	*Original Repertory*	*Supplements*									
		1	*2*	*3*	*4*	*5*	*6 1979-1984*	*7 1985-1988*	*8 1989-1994*	*9 1995-1999*	*10 2000-2009*
Volume I							I	I	I	I	I
Articles 1-8											
Volume II							II	II	II	II	II
Articles 9-15, 17-22											
Article 16											
Volume III							III	III	III	III	III
Articles 23 (1, first phrase) and (3), 24-32, and 33 (2)											
Articles 23 (1, second phrase) and (2), 33 (1), 35 (General Assembly) and 51											
Articles 34, 35 (Security Council), 36-39, 42-47 and 50											
Articles 40, 41, 48, 49 and 52-54											
Volume IV							IV	IV	IV	IV	IV
Articles 55 (a)-(b), 57 and 62 (2)											
Articles 55 (c), 56 and 63											
Articles 58-62 (1, 3, 4) and 64-72											
Volume V							V	V	V	V	V
Article 73											
Articles 74-85, 87 and 88											
Article 86 and 89-91											

Volumes, Articles	*Original Repertory*	*Supplements*									
		1	*2*	*3*	*4*	*5*	*6 1979-1984*	*7 1985-1988*	*8 1989-1994*	*9 1995-1999*	*10 2000-2009*
Volume VI							**VI**	**VI**	**VI**	**VI**	**VI**
Articles 92-96, 98 (treaties; political and security matters), 99-103, 106-111											
Articles 97 and 98 (remaining parts)											
Articles 104 and 105											

Studies prepared from 1954 to 1980

Studies prepared from 1996 to 2012

Annex III

Status of the *Repertoire of the Practice of the Security Council* (July 2013)

Supplements published and posted on the Internet at un.org/en/sc/*Repertoire*/	Advance version available on the Internet	Parts in preparation
[redacted]		

A. Status of the completed *Repertoire* Supplements

Supplement	*Status*	*Languages*
Original *Repertoire* and Supplements I-IX 1946-1984	[redacted]	English, French
Supplement X-XI 1985-1992 Supplements X (1985-1988) and XI (1989-1992)		Arabic, Chinese, English, French, Russian, Spanish[a]
Supplement XII (1993-1995)		English, other languages ready for web posting
Supplement XIII (1996-1999)		English, other languages ready for web posting
Supplement XIV (2000-2003)		English, translation into other languages in progress
Supplement XV (2004-2007)		English
Supplement XVI (2008-2009)		English

[a] As mandated by the General Assembly in resolution 55/222, these Supplements and future Supplements to the *Repertoire* are to be published in all official languages of the United Nations.

B. Status of *Repertoire* Supplements in preparation

	Parts (procedural and constitutional)									
	I Overview	*II Provisional rules of procedure*	*III Purposes and principles of the Charter*	*IV Relations with other United Nations organs*	*V Functions and powers of the Security Council*	*VI Pacific settlement of disputes*	*VII Actions with respect to breaches of the peace*	*VIII Regional arrangements*	*IX Subsidiary organs: Committees other bodies*	*X Subsidiary organs: peacekeeping and peacebuilding*
Supplement XVII (2010-2011)	[redacted]									